



THE CITY OF NEW YORK
LAW DEPARTMENT

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March 24, 2021

By ECF

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: J.S. v. New York City Department of Education
20 CV 2105 (PAE)

Dear Judge Engelmayer:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, James E. Johnson, recently assigned to represent Defendant New York City Department of Education in the above-referenced matter.¹ Pursuant to the Court's Order, dated February 24, 2021 (Dkt. No. 18), I write on behalf of all parties to: (1) submit the proposed *Civil Case Management Plan*; and (2) respectfully request that the Court adjourn the **March 29, 2021 (3:00 pm)** pretrial conference to May 10, 2021, or a date thereafter that is convenient for the Court.

Statement of Case

a. Nature of Claims

Plaintiff commenced this action on March 9, 2020, seeking attorneys' fees, costs and expenses for legal work on an administrative hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* (Dkt. No. 1) The sole issue to be determined in this matter is whether Plaintiff's attorneys' fees are reasonable.

¹ On March 17, 2021, former Assistant Corporation Counsel, Thais R. Ridgeway, moved to withdraw as Defendant's counsel in this matter. (Dkt. No. 19) I was subsequently assigned to this case.

b. Procedural Posture

On September 28, 2020, the Court granted a stay of this matter to provide time for Plaintiff to submit timesheets and billing records, upon which this matter is based. (Dkt. No. 10) By joint letter dated December 23, 2020, the parties advised the Court that Plaintiff provided billing records on December 23, 2020 (Dkt. No. 15). On February 22, 2021, Defendant submitted an Answer to the Complaint. (Dkt. No. 16).

Prospect of Settlement

Although the parties are optimistic that this matter may be resolved via a negotiated settlement, the parties have not reached an agreement. My office requires additional time to finalize authority from the New York City Comptroller's Office. As such, the parties wish to continue to work in good faith to resolve this matter.

Motion Practice

In the event that settlement is unsuccessful, this matter should proceed to motion practice. As this matter is based upon the underlying administrative proceeding and applicable billing records,² motions for summary judgment are appropriate. Such motions will address the reasonableness of Plaintiff's attorney fees.

Based on the foregoing, the parties believe that a pretrial conference at this juncture may be unproductive. Thus, we respectfully submit the *Civil Case Management Plan* and respectfully request that the Court adjourn the initial conference to May 10, 2021, or a date thereafter that is convenient for the Court.

Thank you for your patience as we work to resolve this matter.

Granted. The initial pretrial conference presently scheduled for March 29, 2021 at 3 p.m. is rescheduled for May 10, 2021 at 3 p.m. The Court will not grant further adjournments of this initial conference.

Respectfully yours,

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

March 25, 2021

Cc: Irina Roller, Esq. (by ECF)

/s/ Sherry N. Glover

SHERRY N. GLOVER
Assistant Corporation Counsel

² There will be no discovery in this matter.